THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HON'BLE DR.JUSTICE G.YETHIRAJULU

WRIT APPEAL NO.1791 OF 2005.

Between

1.G.Satyapal son of Muthya, aged 37 yrs, Junior

Asst., r/o Shakkarnagar, Bodhan, Nizamabad district

And 7 others

….Appellants

And

1.State of A.P. rep. By its Principal

Secretary, Higher Education Department,

Secretariat, Hyderabad and 3 others.

….Respondents

JUDGMENT (Per Sri B.Prakash Rao, J)

Heard the learned counsel for the appellants and the learned Government Pleader for the respondents.

This appeal is at the instance of the appellants who are the writ petitioners in the writ petition which was dismissed since the matter could not be proceeded and a request was made to pass over. It appears from the record itself that even on the earlier occasion also, there was no appearance and the matter was posted for dismissal and in spite of the same, the learned counsel for the petitioners sought for pass over without proceeding with the matter. In view of

the same and especially having regard to the fact that there is a caption in the cause list that no adjournments will be given in the matters which were already posted for dismissal, the learned single Judge dismissed the writ petition.

Having heard the learned counsel appearing on either side and on perusal of record, we are entirely in agreement with the learned single Judge. These type of requests for adjournments and pass overs are very frequently occurring even where the matters are posted for dismissal and in part heard matters and also in such cases which were already adjourned on the earlier occasion. Therefore, it should be deprecated very seriously. However, on account of absence of the counsel, the parties should not be suffered. Now it is represented across the bar that similar such writ petition was already disposed of on merits. In view of the same, we deem it more appropriate to give an opportunity to the appellants/writ petitioners.

In the circumstances, the writ appeal is allowed. Office is directed to post the writ petition before the regular Court hearing the matters.

B.PRAKASH RAO, J

G.YETHIRAJULU, J

Dated: 27-09-2005

Hsd